

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION

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TIMOTHY J. FAST  
on behalf of himself and all  
others similarly situated,

Plaintiff,

v.

Case No. 16-CV-1637

CASH DEPOT, LTD.,

Defendant.

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**DECLARATION OF KELLY L. TEMEYER**

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Pursuant to 28 U.S.C. § 1746, I hereby declare the following to be true under penalty of perjury:

1. I am an Attorney at Walcheske & Luzi, LLC, counsel for Plaintiff in the above-captioned matter.
2. I have assisted with the litigation of this case by, among other things, drafting and serving Plaintiff's First Set of Interrogatories and Request for Production of Documents ("Plaintiff's first set of discovery"), as I served on Defendant on May 12, 2017.
3. Plaintiff's first set of discovery requested information necessary to support our anticipated motion for conditional certification.
4. Attached hereto as Exhibit A is a true and correct copy of Plaintiff's first set of discovery.
5. Defendant did not respond to Plaintiff's first set of discovery within thirty (30) days.
6. On June 14, 2017, and after Defendant did not provide timely responses to Plaintiff's first set of discovery, I faxed a letter to Defendant's counsel regarding its discovery obligations and unilaterally extending the due date for Defendant's responses to June 16, 2017.

7. Attached hereto as Exhibit B is a true and correct copy of my June 14, 2017 letter as faxed to Defendant's counsel.
8. On June 14, 2017, I received an email from Defendant's counsel stating, in part, that counsel was working on Defendant's discovery responses, but that the responses would not be provided until June 21, 2017. Counsel's email further referenced a letter that was sent to us the previous week, "along with a payroll check and some discovery requests."
9. Attached hereto as Exhibit C is a true and correct copy of Defendant's counsel's June 14, 2017 email.
10. After receiving Defendant's Counsel's June 14, 2017 email, I contacted Attorney James A. Walcheske, who had been out of the office that week, regarding Defendant's counsel's June 14, 2017. Attorney Walcheske told me to check his mail for a letter from counsel, which I did. I then found an unopened envelope from Defendant's counsel that we had received on or about June 13, 2017. Inside was a check made payable to Plaintiff in the amount of \$338.98. Accompanying the check was a letter from Defendant's counsel dated June 6, 2017, as well as Defendant's Second Set of Interrogatories and Request to Produce Documents.
11. Attached hereto as Exhibit D are true and correct copies of Defendant's check made payable to Plaintiff as well as counsel's June 6, 2017 letter that accompanied same.
12. Attached hereto as Exhibit E is a true and correct copy of Defendant's Second Set of Interrogatories and Request to Produce Documents.
13. Defendant mistakenly titled its Second Set of Interrogatories and Requests to Produce Documents because it was actually its first set of discovery.

14. Prior to receiving Defendant's check made payable to Plaintiff, neither Defendant nor its counsel indicated to me that Defendant wanted to or would send a check to Plaintiff.
15. On July 13, 2017, I faxed Plaintiff's Answers to Defendant's [Second Set] of Interrogatories and Request to Produce Documents to Defendant's counsel.
16. Attached hereto as Exhibit F is a true and correct copy of Plaintiff's Answers to Defendant's [Second Set] of Interrogatories and Request to Produce Documents, as well as the cover letter that accompanied the same.

Dated this 1st day of September, 2017.

*s/ Kelly L. Temeyer*  
Kelly L. Temeyer